

* * * * *

² Barendt’s Motion to Strike is based singly on the premise that the State of Nevada did not inform him of a “change in counsel.” This is an improper basis on which to ground a motion to strike, and the motion is therefore denied.

1 justifies relief.” Barendt alleges both that the judgment is mistaken and that principles of equity
2 mandate relief. Yet Barendt has identified no mistake warranting reconsideration of the court’s
3 judgment, and the identification of such a mistake is his burden to bear. *See Timbisha Shoshone*
4 *Tribe v. Kennedy*, 267 F.R.D. 333, 336 (E.D. Cal. 2010). Barendt also argues that his
5 unfamiliarity with the law constitutes excusable neglect. It does not. *See Engleson v. Burlington*
6 *Northern R. Co.*, 972 F.2d 1038, 1043-44 (9th Cir.1992). Finally, Barendt, in his plea for
7 equitable reconsideration, has failed to demonstrate “extraordinary circumstances [that]
8 prevented [him] from taking timely action to prevent or correct an erroneous judgment”
9 sufficient to warrant reconsideration under Rule 60(b)(6).³ Therefore, Barendt has failed to
10 demonstrate grounds on which the court may reconsider judgment.

11 IT IS THEREFORE ORDERED that Barendt’s Motion for Substantive Relief (#105) is
12 DENIED.

13 IT IS FURTHER ORDERED that Barendt’s Motion to Strike (#107) is DENIED.

14 IT IS SO ORDERED.

15 DATED this 18th day of September, 2013.



16
17
18
19 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE

20
21
22
23
24
25
26
27
28

³ Neither Rule 55(c), governing default judgments, nor Rule 50, providing the conditions under which a new trial is appropriate, are applicable here.